

Centre for Asian Legal Studies

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An Inside Job: Indonesia's Path to Constitutional Democracy

by Professor Donald L. Horowitz

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ABSTRACT

After the fall of Suharto in 1998, Indonesia pursued an unusual course of democratization. It was insider-dominated, gradualist, and sequenced so that free elections preceded constitutional reform. The reform process lasted several years, at the end of which Indonesia's amended constitution was essentially a radically new and thoroughly democratic document. By proceeding in this unusual way--without an outside body drafting a new constitution at an early, single point in time-- the Indonesians averted the great conflict that would have arisen between adherents of the old constitution and proponents of radical, immediate reform. At the same time, the particular institutions the Indonesians adopted helped to prevent bifurcation of opposing groups and instead produced a more healthy politics of multipolar fluidity. Indonesian democracy is far from perfect, but the outcome of the process chosen is better than other, alternative processes would have been likely to produce.

ABOUT THE SPEAKER



Donald L. Horowitz is the James B. Duke Professor of Law and Political Science at Duke University. He is the author of seven books: *The Courts and Social Policy* (1977), which won the Louis Brownlow Award of the National Academy of Public Administration; *The Jurocracy* (1977), a book about government lawyers; *Coup Theories and Officers' Motives: Sri Lanka in Comparative Perspective* (1980); *Ethnic Groups in Conflict* (1985, 2000); *A Democratic South Africa? Constitutional Engineering in a Divided Society* (1991), which won the Ralph Bunche Prize of the American Political Science Association; *The Deadly Ethnic Riot* (2001); and *Constitutional Change and Democracy in Indonesia*, to be published in 2012 by Cambridge University Press. Professor Horowitz has been a Visiting Professor at the University of Chicago Law School and at the Central European University and a Visiting Fellow at Wolfson College, Cambridge, at the Law Faculty of the University of Canterbury in New Zealand, and at Universiti Kebangsaan in Malaysia. In 2001, he was Centennial Professor at the London School of Economics, and in 2001-02, he was a Carnegie Scholar. In 2009, he was presented with the Distinguished Scholar Award of the Ethnicity, Nationalism, and Migration Section of the International Studies Association.

Professor Horowitz is currently writing a book about constitutional design, particularly for divided societies, a subject on which he has advised in a number of countries. In 2010-11, he was a Fellow of the Woodrow Wilson Center, working on this project. In 2011-12, he has been a Jennings Randolph Senior Fellow at the U.S. Institute of Peace and a Reagan-Fascell Fellow at the National Endowment for Democracy, and in 2013, he will be a Fellow of the American Academy in Berlin.

Elected to the American Academy of Arts and Sciences in 1993, he served as President of the American Society for Political and Legal Philosophy from 2007 to 2010. In 2011, Professor Horowitz was awarded an honorary doctoral degree by the Vrije Universiteit Brussel, the Flemish-speaking Free University of Brussels.